

Albany  
Atlanta  
Brussels  
Denver  
Los Angeles

**McKenna Long  
& Aldridge<sup>LLP</sup>**  
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA 90071-3124  
Tel: 213.688.1000 • Fax: 213.243.6330  
www.mckennalong.com

**SFUND RECORDS CTR  
2332644**

New York  
Philadelphia  
San Diego  
San Francisco  
Washington, D.C.

CHARLES H. POMEROY  
213.243.6256

EMAIL ADDRESS  
cpomeroymckennalong.com

August 30, 2013

**VIA EMAIL & US MAIL**

Lynda Deschambault  
David Stensby  
US EPA Region 9  
Mail Code SFD  
75 Hawthorne Street  
San Francisco, CA 94105

Re: *Notice of Endangerment*, Resource Conservation and Recovery Act 42 U.S.C.  
§ 6972(b)(2)(A) ("RCRA Notice")  
Issued by: Angeles Chemical Company, Inc. and John Locke (collectively,  
"Angeles")

Dear Ms. Deschambault and Mr. Stensby:

We write on behalf of our client, Omni Metal Finishing, Inc. ("Omni"), regarding the about referenced RCRA Notice issued by Angeles on June 5, 2013 (attached). It is our understanding that Angeles has filed notices with approximately 300 parties and intends to file suit in mid-September.

The RCRA Notice directly relates to matters already paid for by Omni as part of its settlement with Omega Chemical PRP Group, LLC ("OPOG" or "Group"). The RCRA Notice identifies the Omega Chemical Corporation ("Omega") facility at 12504 and 12512 East Whittier Boulevard in Whittier, California ("Site") as the location of releases of hazardous substances into the environment. Specifically, we note the contention that "the United States Environmental Protection Agency ('EPA') has identified Omni as a potentially responsible party and has demanded investigation and remediation of [Operable Unit] OU-2 [at the Omega Chemical Corporation facility]." Because of Omni's alleged conduct, acts, or omissions, the RCRA Notice also claims Angeles has incurred and continues to incur significant costs and therefore "Angeles demands that Omni perform a comprehensive environmental investigation and cleanup of the contamination from Omega Chemical Corporation..."

Omni has already resolved its obligations to investigate and cleanup the Omega Site with OPOG. On May 2, 2006, Omni was named by OPOG in a federal complaint for the same set of

Lynda Deschambault  
David Stensby  
August 30, 2013  
Page 2

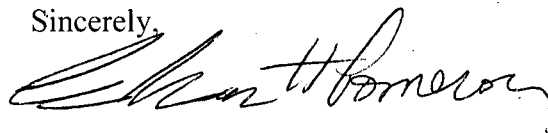
facts outlined in the RCRA Notice . *Omega Chemical PRP Group, LLC v. Aeroscientific Corporation, et. al*, CV-04-1340 TJH (JWJx). The basis of the action was a single manifest wherein Omni shipped 1,100 gallons of wash solution to the Site for recycling. As a result of this suit, in December 2007 Omni negotiated and reached a settlement with OPOG for \$30,000, a sum which assumed a premium, as full payment of its share of liability for alleged disposal of 4.56 tons of hazardous waste. Upon final payment in March 2009, the suit was dismissed by OPOG.

As part of this settlement, Omni and OPOG executed a Settlement Agreement which assigned Omni's Claims to OPOG. Further "the Group [assumed] each Settling Party's responsibilities for the volume of waste sent to the Site." In other words, OPOG assumed all of Omni's environmental obligations at the Site, including actions associated with OU-2.

We note that EPA has prepared and executed a number of legal documents for the Omega Site that provide contribution or some other form of legal protection for parties that have paid their fair share of costs associated with the volume of waste sent to the Site. Given the single manifest attributed to Omni and its prior payment to OPOG for its share of the cleanup of the Omega Site, we respectfully request that EPA initiate a process that will provide adequate legal protections to Omni and other responsible parties similarly situated. We have also requested OPOG to make a similar request to EPA (attached).

We greatly appreciate your anticipated assistance with this matter. Please contact me should you have any questions or comments regarding the foregoing.

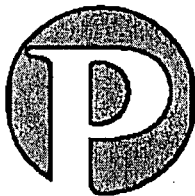
Sincerely,



Charles H. Pomeroy

cc: Victor M. Salazar (via email only)  
Keith F. Millhouse, Esq. (OPOG)

Southern California  
21 E. Carrillo Street  
Santa Barbara, CA 93101  
Telephone (805) 898-9700  
Facsimile (805) 880-0499



Northern California  
1176 Boulevard Way  
Walnut Creek, CA 94595  
Telephone (925) 947-5700  
Facsimile (925) 935-8488

## PALADIN LAW GROUP® LLP

*Generating Professional:*  
Bret A. Stone, Santa Barbara Office  
BStone@PaladinLaw.com

June 5, 2013

***Via Registered Mail –  
Return Receipt Requested***

Omni Metal Finishing, Inc.  
Victor M. Salazar  
11665 Coley River Circle  
Fountain Valley, California 92708

Re: Notice of Endangerment Pursuant to Section 7002(b)(2)(A) of the  
Resource Conservation and Recovery Act, 42 U.S.C. § 6972(b)(2)(A)

Dear Sir/Madam:

This letter constitutes a Notice of Endangerment pursuant to Section 7002(b)(2)(A) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972(b)(2)(A). This notice, issued by Angeles Chemical Company, Inc. and John Locke (collectively, "Angeles"), is directed to Omni Metal Finishing, Inc. ("Omni") for the transport, storage, and disposal of hazardous wastes to the Omega Chemical Corporation, which has caused or contributed to a large plume of groundwater contamination known as the Omega Chemical Superfund Site, Operable Unit 2 ("OU-2").<sup>1</sup>

### **A. The contamination of RCRA solid and hazardous wastes at OU-2**

The Omega Chemical Corporation facility was located at 12504 and 12512 East Whittier Boulevard in Whittier, California and was a refrigerant and solvent recycling, reformulation, and treatment facility that operated from approximately 1976 to 1991. Drums and bulk loads of waste solvents and other chemicals from various industrial activities were processed at the facility. As a result releases from the operations of the Omega Chemical Corporation facility, the soil and groundwater in OU-2 is contaminated with high concentrations of tetrachloroethylene ("PCE"), trichloroethylene ("TCE"), Freons 11 and 113, and other contaminants. Contaminated groundwater extends approximately four and one-half (4½) miles downgradient (south/southwest) of the former Omega facility. Groundwater within OU-2 is used as a source of drinking water by several municipal and private water purveyors.

---

<sup>1</sup> The Omega Site has three Operable Units: OU-1 addresses the contaminated soil and groundwater in the immediate vicinity of the former Omega Chemical facility; OU-2 addresses the contaminated groundwater downgradient of OU-1 that has been impacted by contamination from the Omega facility; and OU-3 addresses vapor intrusion from the Omega Site that has occurred in several buildings on and in close proximity to the former Omega facility.



Hazardous waste manifests demonstrate that Omni sent hazardous wastes, including the chemicals of concern at OU-2, for treatment and disposal to Omega Chemical Corporation. For that reason, the United States Environmental Protection Agency ("EPA") has identified Omni as a potentially responsible party and has demanded investigation and remediation of OU-2. Omni is in a better position than Angeles to know how and when these contaminants were used, stored, treated, and disposed of at Omega Chemical Corporation and further evidence can be found from state and federal public records. Suffice it to say that the hazardous wastes Omni sent to Omega Chemical Corporation are indivisible from the contaminants in OU-2, including PCE, TCE, and Freon.

**B. The RCRA solid and hazardous wastes disposed at Omega Chemical Corporation created an imminent and substantial endangerment**

Omni, which transported, stored, and disposed of hazardous wastes at Omega Chemical Corporation, is responsible for creating, maintaining, and leaving in place environmental conditions that may pose an imminent and substantial endangerment to public health and the environment in violation of RCRA. Omni contributed to the "solid waste" and "hazardous waste" in OU-2 by sending its wastes to Omega Chemical Corporation, which in turn discarded, discharged, spilled, or released contaminants, including PCE, TCE, and Freon, suddenly and accidentally, negligently, or otherwise, so that the contaminants entered the environment. These unauthorized releases continue to migrate in the environment causing property damage and appreciable harm to the groundwater at OU-2. Moreover, the contaminants may present an imminent and substantial endangerment to health or the environment, including the surface and sub-surface soils, groundwater aquifers, air and indoor air, and natural resources.

As a result of Omni's conduct, acts, or omissions, Angeles has incurred and continues to incur significant costs. Therefore, Angeles demands that Omni perform a comprehensive environmental investigation and cleanup of the contamination at and emanating from Omega Chemical Corporation, including the area at and around the Angeles property at 8915 Sorensen Avenue, Santa Fe Springs, California (the "Angeles Property").

**C. Angeles's intention to file suit**

Angeles demands that Omni investigate and cleanup all contamination at and emanating from Omega Chemical Corporation, including the area at and around the Angeles Property. Should settlement of these issues not be achieved following your receipt of this notice and demand, Angeles intends to commence a civil action to protect its interests against Omni and any other responsible parties that might subsequently be discovered. Accordingly, you have a duty to preserve all evidence, including electronically stored information, that may be relevant to the groundwater contamination at and around OU-2. If litigation becomes necessary, Angeles will seek the full costs for the environmental investigation and remediation, including attorneys' fees.

Omni  
June 5, 2013



The full name, address and telephone number of the persons giving this notice is:

John Locke  
Angeles Chemical Company, Inc.  
20449 E. Rancho Los Cerritos Road  
Covina, CA 91724  
(626) 331-3947

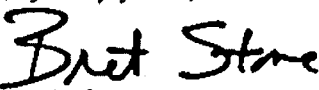
The name, address and telephone number of legal counsel representing the person giving the notice is:

Bret A. Stone, Esq.  
Paladin Law Group® LLP  
21 E. Carrillo Street  
Santa Barbara, CA 93101  
(805) 898-9700

Consistent with the goals of RCRA, we are hopeful that this matter can be settled shortly. Please contact me at the above telephone number immediately.

Very truly yours,

By:

  
Bret A. Stone  
PALADIN LAW GROUP® LLP

cc:

Honorable Bob Perciasepe  
Acting Administrator  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code 3213A  
Washington, DC 20460

Mr. Jared Blumenfeld  
Regional Administrator  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Mr. Matt Rodriguez  
Secretary  
CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
1001 I Street  
Sacramento, California 95814